WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 458

(By Mr. Meredith)

PASSED March 10, 1939

In Effect from Passage
ENROLLED

House Bill No. 458
(By Mr. Meredith)

[Passed March 10, 1939; in effect from passage.]

AN ACT to authorize the board of education of the county of Marion to improve its athletic field known as South Side park in the city of Fairmont, by constructing a stadium and other facilities for the use of the public at athletic games and other educational entertainments and events; to accept therefor a donation of one hundred fifty thousand dollars from the works progress administration or other federal agency; to receive advancements not in excess of twenty-five thousand dollars from the citizens of Marion county toward the completion of the proposed improvements; to secure the refund of such advancements by entering into an agreement with the Fairmont Athletic association, whereby said association shall have the management of said athletic field until said advancements shall have been refunded, but in no event to exceed ten years,
with authority to conduct and schedule athletic games and other educational entertainments and events, and to determine and collect reasonable charges or fees for the use of the athletic field and facilities, and after the payment of the necessary expenses, to pay annually not less than fifty per cent of the net receipts to the refund of said advancements, the remainder of the net receipts to be paid to said board of education; to require an accounting from said association to be annually filed with said board of education; to fix the membership of the Fairmont Athletic association, and to provide that a majority of its members shall have authority to conduct its affairs.

WHEREAS, The Board of Education of the County of Marion owns an athletic field known as South Side Park in the City of Fairmont, which it desires to improve by constructing thereon a stadium and other facilities for the use of the public at athletic games and other educational entertainments and events, which improvements will cost approximately $175,000; and

WHEREAS, Funds in the sum of $150,000 have been allocated for said improvements by the Works Progress Administration or other Federal agency by way of a donation, and to provide the remainder of the cost of said improvements it is necessary for said Board to
raise a sum not exceeding $25,000, which sum it does not now have
available; and

Whereas, The citizens of Marion County propose to advance to
said Board of Education, for said purpose, funds not exceeding
said sum of $25,000: Provided, That said board will cause the sum
so advanced to be refunded out of the net receipts from athletic
games and other educational entertainments and events hereafter
to be held in said athletic field, and to secure the refund or repay-
ment of the sum which may be so advanced, said board proposes
to enter into an agreement with Fairmont Athletic Association, a
voluntary non-profit association comprised of (1) the County
Superintendent of Schools of Marion County, (2) the principal of
Fairmont Senior High School, (3) the principal of East Fairmont
High School, (4) the President of the Board of Commerce of the
City of Fairmont, and (5) the President of the Fairmont Business
Men's Association, whereby said Fairmont Athletic Association
until such time as said advancement shall have been repaid, but
not exceeding in any event ten years, shall have the management
of said athletic field, with authority to schedule at said athletic
field athletic games such as football, softball, baseball, tennis, field
and track events, spectacular entertainments such as band or drum
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corps contests, fireworks displays and similar events, but not in-
cluding circuses, carnivals, prize fights or professional wrestling
matches, nor any game, entertainment or event on the Sabbath
Day: Provided further, That for any event not herein specifi-
cally provided the consent of the Board of Education shall be first
had and obtained, the said Athletic Association to determine and
collect reasonable charges or fees for the use of said field, and after
the payment of the necessary expenses to pay at least fifty per cent
of the net receipts annually to the refund of the advancement so
made for said improvements, the remainder thereof to be paid to
said Board of Education; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Marion County Board of Education Authorized
to Construct Stadium, etc., on Athletic Field. The Board of
Education of the County of Marion is hereby authorized to
improve its athletic field known as South Side Park in the
City of Fairmont, by constructing thereon a stadium and
other facilities for the use of the public at athletic games
and other educational entertainments and events, estimated
to cost one hundred seventy-five thousand dollars, and to
accept by way of a donation from the Works Progress Ad-
ministration or other Federal agency, to be used in making said improvements, the sum of one hundred fifty thousand dollars.

Sec. 2. Board of Education Authorized to Accept Advancements from Citizens; How Receipts from Athletic Events, etc., to Be Used. To enable said Board of Education to provide the remainder of the estimated cost of said improvements, said Board is hereby authorized to accept improvements from the citizens of Marion County of a sum not exceeding twenty-five thousand dollars, and to secure the repayment thereof to enter into an agreement with Fairmont Athletic Association, a voluntary non-profit association comprised of (1) the County Superintendent of Schools of Marion County, (2) the principal of Fairmont Senior High School, (3) the principal of East Fairmont High School, (4) the President of the Board of Commerce of the City of Fairmont, and (5) the President of the Fairmont Business Men's Association, whereby said Fairmont Athletic Association, until such time as said advancements shall have been repaid, but not exceeding in any event ten years, shall have the management of said athletic field, with authority to
schedule or conduct at said athletic field games such as football, softball, baseball, tennis, field and track events, spectacular entertainments such as band or drum corps contests, fireworks displays and similar events, but not including circuses, carnivals, prize fights or professional wrestling matches, nor any game, entertainment or event on the Sabbath Day, and provided further that for any event not herein specifically mentioned the consent of the Board of Education shall be first had and obtained; the said agreement shall further provide that said Fairmont Athletic Association may determine and collect reasonable charges or fees for the use of said field and facilities, and, after the payment of the necessary expenses, to pay annually not less than fifty per cent of the net receipts to the refunding or repayment of the advancements which may be made for said improvements, the remainder of the net receipts to be paid to said Board of Education.

Sec. 3. *Fairmont Athletic Association to Keep Account of Receipts and Disbursements and File Same with Board of Education.* Until all of said advancements shall have been repaid, the said Fairmont Athletic Association shall keep a
careful account of all of its receipts and disbursements, and
annually file the same with the secretary of said Board of
Education; and in the conduct of its affairs a majority of its
members shall govern.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the __________ House of Delegates __________

Takes effect __________

passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

This I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval. 1939.

17th

This the __________ day of __________

1939.

Secretary of State